

IN THE CLAIMS

Please add the following new claim:

Ci 39. (New) A conjugated linoleic acid composition stabilized for storage comprising an isomerized conjugated linoleic acid moiety, said composition containing less than 100 parts per million total of volatile organic compounds after storage, wherein said volatile organic compounds are selected from the group consisting of pentane, hexane, heptane, 2-butenal, ethanol, 3-methyl butanal, 4-methyl pentanone, hexanal, heptanal, 2-pental furan, octanol and combinations thereof.

REMARKS

Claims 1-5, 7-19, 24-35 and 37-38 are currently pending and under examination. Applicants thank the Examiner for the withdrawal of the 102(b) rejection. Claims 1-5, 7-19, 24-35 and 37-38 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious under U.S. 5,760,082 to Cook et al., U.S. 6,159,525 to Lievense et al. in view of WO 97/18320 to Cain et al. Claim 39 is new. Support for claim 39 is found in the specification at page 23, among other places. Applicants believe that the present amendments and the following remarks traverse all of the Examiner's remaining rejections.

The Examiner maintains that claims 1-5, 7-19, and 24-38 are obvious under the combination of U.S. 5,760,082 to Cook et al. and 6,159,525 to Lievense et al. in view of WO 97/18320 to Cain et al.

A *prima facie* case of obviousness requires the Examiner to provide a reference(s) which (a) discloses all of the elements of the claimed invention, (b) suggests or motivates one skilled in the art to combine the claimed elements to produce the claimed combination, and (c) provides a reasonable expectation of success should the claimed combination be carried out. Failure to establish any one of the these three requirements precludes a finding of a *prima facie* case of obviousness and without more entitles the Applicants to allowance of the claims in issue.¹ In addressing this rejection, Applicants focus on the independent claims since

¹ See, e.g., *Northern Telecom Inc. v. Datapoint Corp.*, 15 USPQ2d 1321, 1323 (Fed. Cir. 1990).